PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Hiroshi HAGIYA, et al.

Docket No: Q57282

Appln. No.: 09/446,634

Group Art Unit: 1642

Confirmation No.: 2661

Examiner: Misook YU

Filed: December 23, 1999

For: NOVEL PLASMID DNA COMPRISING REPORTER GENE DNA AND USE OF THE SAME

STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

MAIL STOP SEQUENCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In connection with the Substitute Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

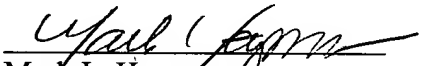
1. the submission, filed herewith in accordance with 37 C.F.R. §1.821(g), does not include any new matter;

2. the contents of the 8-page Substitute Sequence Listing being filed with the present application, and the attached computer readable copy of the Substitute Sequence Listing, submitted in accordance with 37 C.F.R. §1.821(c) and (e), respectively, are the same; and

3. all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,



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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: July 1, 2004

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RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response is in regard to the NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES, forwarded with the Office Action of February 9, 2004, issued in the above-referenced patent application.

In the Office Action, the Examiner states that the present application fails to comply with the requirements of 37 C.F.R. §§1.821-1.825 because it does not include the T antigen-originated nuclear transport signal (Ala Pro Lys Lys Lys Arg Lys Val Gly) disclosed at page 25, line 1 of the specification.

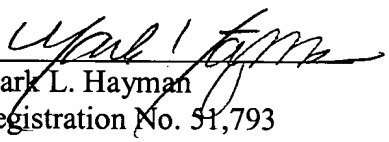
Applicants assert that this Response to the Notification of Missing Requirements and the enclosures are being timely filed (within the time period set for responding to the February 9,

2004 Office Action), and that the enclosures bring the present application in full compliance with the requirements of 37 C.F.R. §§1.821-1.825.

Applicants respectfully request entry of the substitute Sequence Listing into the pending application.

Applicants respectfully request that the Examiner acknowledge that the Substitute Sequence Listing in the present application meets the requirements of 37 C.F.R. §§1.821-1.825.

Respectfully submitted,



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NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- [X] 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- [ ] 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- [ ] 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- [ ] 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- [ ] 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- [ ] 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- [ ] 7. Other:

Applicant Must Provide:

- [X] An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- [X] An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- [X] A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
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To Purchase PatentIn Software.....703-306-2600

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